

SB 5672-S - DIGEST

(AS OF SENATE 2ND READING 3/10/05)

Declares that a commercial parking business may not charge a parking charge unless a sign is conspicuously posted on the parking lot that clearly indicates: (1) The times and circumstances in which a parking charge will be charged;

(2) The amount of the parking charge, a schedule of hourly or daily rates, or a schedule of parking charges for different circumstances or durations; and

(3) The name, telephone number, and address of the commercial parking business.

Declares that a sign is "conspicuously posted" for the purposes of this act only when the sign: (1) Is clearly visible at all times, including after dark, to a person seated in the driver's seat of a vehicle fifty feet away;

(2) Contains no information other than as is required under this act or RCW 46.55.070; and

(3) Is in compliance with the rules adopted by the department of licensing under RCW 46.55.070.

Provides that a commercial parking business shall neither authorize nor allow: (1) The impounding of any vehicle engaged in unauthorized parking, unless: (a) The unauthorized parking constitutes a traffic hazard or obstruction; (b) a customer of the commercial parking business requests removal of a vehicle that is engaging in unauthorized parking in the customer's reserved stall at the time of the request; or (c) the commercial parking business has twice previously notified the registered owner of the vehicle pursuant to this act that the vehicle had parked without authorization at a facility owned, leased, operated, or managed by the commercial parking business; has either collected or attempted to collect, and has not waived the unauthorized parking fee in either previous instance; and has with at least one of the notices provided pursuant to this act informed the registered owner in writing that the vehicle could be subject to impound if the vehicle engaged in unauthorized parking at any of the parking business's facilities again; or

(2) The immobilization, or impound-in-place, of a vehicle that is engaging in unauthorized parking.

Provides that the registered owner of an unauthorized vehicle in a commercial parking lot is presumed to be liable for parking charges. It shall be an affirmative defense of the registered owner, provable by clear and convincing evidence, that the person who parked the vehicle at the commercial parking lot was not authorized, either actually or impliedly, by the registered owner to use or drive the vehicle.